



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,622	06/24/2005	Miki Kasabo	OGA-015	7174
20374 7590 04/03/2009 KUBOVCIK & KUBOVCIK SUITE 1105 1215 SOUTH CLARK STREET ARLINGTON, VA 22202				
EXAMINER				
LONEY, DONALD J				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
04/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,622

Applicant(s)

KASABO ET AL.

Examiner

Donald Loney

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/08/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07-251004 in view of any of Dressler (4347104), Soon-Jai (5736009) or JP 11-117185.

JP '004 discloses a sheet material formed of a planar liner and a corrugated sheet wherein the corrugated sheet includes carbon fiber as an adsorbent per claims 1-3 and 5. Refer to figure 1 and the English translation of JP '004 supplied by the examiner. JP '004 does fail to teach the recited 0.08 to 3.0 wt% of the conductive fiber (i.e. electrical-loss materials). JP '004 discloses at least 10%.

All of the secondary references disclose the recited percent conductive carbon fibers can be included in paper compositions in order to impart antistatic properties thereto. See the Abstract in JP '185 disclosing 0.2-50 wt %. See column 2, lines 7-25 in Soon-Jai teaching 1-5% carbon fibers. See column 2, lines 7-20 in Dressler disclosing 1-35% carbon fibers.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to JP '004 to include fibers in the sheets at the recited amount, as is taught to be known by all the secondary references, in order to provide the desired properties therefrom as need for a particular application. Additional motivation would be provided by the fact the amount of conductive fibers in the sheets controls the antistatic properties of the product, therefor, one would include what ever amount fibers are needed in the sheets to form an article with the corresponding properties imparted thereby. With regard to claim 4, this property would also be dependent on the amount of fibers and would be obvious to include as needed for a particular application. With regards to claims 6 and 7, see paragraph [006] in JP '004. With regards to claim 8, see the Abstract in JP '185. With regards to claim 10, printing is generally considered an obvious decorative effect.

5. Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07-251004 in view of any of Dressler (4347104), Soon-Jai (5736009) or JP 11-117185 as applied to claims 1-10 above, and further in view of Yamamoto et al (6061011).

The combination of the primary references teaches the invention substantially as recited except for the particular shapes of the radio wave absorber article per claims 11-19. See the 35 U.S.C. 103 rejection above.

Yamamoto et al discloses radio wave absorbers can take the form of hollow articles formed from folding a blank into said structure. See figures 1 and 2.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to form the sheet material therein into a hollow radio wave absorber body, as is taught to be known by Yamamoto et al.

6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al (6407693) in view of any of Dressler (4347104), Soon-Jai (5736009) or JP 11-117185.

Murase et al discloses a sheet material formed of a planar liner and a corrugated sheet wherein the corrugated sheet includes carbon fiber as an adsorbent per claims 1-3 and 5. Refer to column 5, lines 31-61 and column 6, lines 6-23. Murase et al does fail to teach the recited 0.08 to 3.0 wt% of the conductive fiber (i.e. electrical-loss materials), they are silent as thereto.

All of the secondary references disclose the recited percent conductive carbon fibers can be included in paper compositions in order to impart antistatic properties

thereto. See the Abstract in JP '185 disclosing 0.2-50 wt %. See column 2, lines 7-25 in Soon-Jai teaching 1-5% carbon fibers. See column 2, lines 7-20 in Dressler disclosing 1-35% carbon fibers.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Murase et al to include fibers in the sheets at the recited amount, as is taught to be known by all the secondary references, in order to provide the desired properties therefrom as need for a particular application. Additional motivation would be provided by the fact the amount of conductive fibers in the sheets controls the degree of absorbing in the radio wave absorber, therefor, one would include what ever amount fibers are needed in the sheets to form an article with the corresponding properties needed for a particular application. With regard to claim 4, this property would also be dependent on the amount of fibers and would be obvious to include as needed for a particular application. With regards to claims 6 and 7, see column 6, lines 24-31 in Murase et al. With regards to claims 11-19, see figures 4, 6, 8, 16-30 in Murase t al showing various three dimensional shapes of the article.

Response to Arguments

7. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald J. Loney/
Primary Examiner
Art Unit 1794

DJL;D.Loney
03/28/09